

BUREAU OF AUTOMOTIVE REPAIR

INITIAL STATEMENT OF REASONS

HEARING DATE (S):

April 4, and 12, 2000

SUBJECT MATTER OF
PROPOSED REGULATIONS:

Smog Check Stations, Technicians and
Training Institutions Technical Clean-up

SECTIONS AFFECTED:

Sections 3340.16, 3340.16.5, 3340.22.1,
3340.22.2, 3340.28, 3340.29, 3340.32,
3340.33 and 3340.41

PROBLEMS ADDRESSED:

- Streamline the application procedure for Smog Check technicians.
- Delete obsolete requirements and license classification.
- Establish new licensing requirements and eliminate obsolete methods of qualifications for licensure.
- Establish criteria for multi-level instructor and school certification.
- Incorporate, by reference, the latest edition of the "Smog Check Inspection Manual" (revision 5, 11-99).
- Require Test-and-Repair stations to update their diagnostic (scan tool) equipment to diagnose and repair late model vehicles.
- Define the requirements for manuals and equipment to properly perform a Smog Check inspection.
- Provide clarification that Test-Only stations are to be separate and not co-located with an Automotive Repair Dealer or Test-and-Repair station.
- Provide clarification that inspection prices are not to be based upon whether the vehicle is directed or not by the state.
- Advise training institutions and instructors that they need to have an electronic mail address with internet access to facilitate communication with the bureau.
- Define school requirements to facilitate a better educational environment.
- Do minor technical clean-up.

SPECIFIC PURPOSE OF THE REGULATIONS:

The proposed regulations would provide clarification and specificity on required training, equipment, manuals, signs, and list distribution for Smog Check stations, Smog Check technicians, schools and instructors.

FACTUAL BASIS:

After the enactment of the federal Clean Air Act Amendments of 1990, the United States Environmental Protection Agency (USEPA) mandated California to adopt a more stringent vehicle inspection program for urban areas of the state that have severe air pollution problems.

The "Enhanced Areas" are California's smoggiest urbanized regions, which currently do not meet federal air quality standards for ozone. All vehicles registered in these areas are tested for another unhealthy smog-forming pollutant, oxides of nitrogen (NO_x), by using a treadmill-like device called a dynamometer. State law requires a minimum of 15% of the vehicles registered in the Enhanced Areas to be directed to stations that only perform Smog Check inspections (i.e., "Test-Only" facilities) to receive their biennial (every other year) smog test. This state law has its foundation in a USEPA rulemaking which calls for a complete separation of all vehicle testing from repairs to avoid any conflict of interest among stations that do both testing and repair. The state uses licensed Test-Only stations in lieu of contractor-operated test-only facilities.

In 1996, the Bureau of Automotive Repair (BAR) initiated two prototype vehicle inspection programs (Sacramento and El Monte) using the new loaded mode (BAR 97 type) emission inspection equipment. The purpose of these pilot programs was to identify problems associated with testing, diagnosing, and repairing vehicles using the new emissions inspection equipment. Technicians working on these prototype programs were surveyed to identify the knowledge, skills, and abilities needed to perform this type of work. This survey information was used as a guideline for some of the proposed regulations.

In late 1997, the BAR formed a partnership with prominent automotive educators that were familiar with the state's emission inspection program. This group, known as BAR's "Educational Advisory Committee," has been meeting with BAR regularly. The group gives BAR input regarding smog technician training and training materials, school certification requirements, and instructor training and certification requirements. The BAR conducts about six seminars yearly at automotive trade shows and educational conferences. Possible regulatory changes were discussed with station owners, smog check technicians and instructors to determine their impact, if any, to industry and training institutions. Both industry and educators are in agreement with this regulatory package.

The BAR conducted a price survey of Test-Only and Test-and-Repair stations regarding the prices that were being charged for Smog Check inspections. The results of the survey indicated that many Test-Only stations charged customers more for vehicles that were directed by the state to receive their inspections at a Test-Only station. This action is financially penalizing to those customers that are required by law to have their Smog Check inspections performed at a Test-Only station.

Additionally, the BAR held two workshops (northern and southern California) in the spring of 1999 to discuss with industry the need, if any, to make changes to the regulations that pertain to Smog Check stations. These workshops provided valuable input from both Test-Only and Test-and-Repair stations. Proposed regulations reflect industry input from the workshops.

The State of California must conform, under the threat of federal sanctions and citizen lawsuits, to the provisions of the 1990 amendments to the federal Clean Air Act, as administered and enforced by the United States Environmental Protection Agency (USEPA) and committed to meet by California in its State Implementation Plan (SIP). On February 8, 2000, California is required to quantify the Enhanced Smog Check Program emissions reductions and report this data to the USEPA. The State of California is required by federal law to demonstrate that the improvements to the Smog Check Program as outlined in the SIP and state law, are reducing vehicular pollution from automobiles and light-duty trucks by an additional 112 tons per day statewide.

UNDERLYING DATA:

Except for the survey of the Smog Check stations, the various workshops with industry, and the partnership with the "Educational Advisory Committee," the Bureau did not rely on any other technical, theoretical, or empirical studies, reports or documents in proposing the amendments to these regulations.

BUSINESS IMPACT:

The Bureau has determined that the proposed regulatory action would require an initial cost to training institutions and Test-and-Repair stations to purchase the (OBDII) upgrade to the diagnostic scan tool. There are no alternatives to this equipment upgrade.

SPECIFIC TECHNOLOGIES OR EQUIPMENT:

Late model vehicles are equipped with a new on-board computer control system known as On-Board Diagnostics II (OBDII). To diagnose problems associated with this system, an upgrade to current scan tools needs to be employed. Both smog check test and repair stations and training institutions will need to upgrade their diagnostic scan tools so they are compatible with the new system.

CONSIDERATION OF ALTERNATIVES:

No alternative considered would be either more/or equally effective and less burdensome to affected private persons than proposed regulatory recommendations.